

**REMARKS**

**I. Formalities**

Applicant thanks the Examiner for acknowledging Applicant's claim for foreign priority and for confirming receipt of the certified copy of the priority document.

Applicant also thanks the Examiner for considering the references cited with the Information Disclosure Statements filed on September 3, 2004 and December 1, 2005, respectively.

Applicant thanks the Examiner for indicating that the drawings filed on September 3, 2004 have been accepted.

**II. Status of Application**

By the present amendment, Applicant amends claims 1, 6-7, 15-16 and 25-26. Applicant also hereby cancels claim 2 without prejudice or disclaimer.

Claims 1 and 3-31 are all the claims pending in the Application, with claims 1, 16 and 17 being in independent form. Claims 1-5, 7 and 11-16 have been rejected.

The present Amendment addresses each point of objection and rejection raised by the Examiner. Favorable reconsideration is respectfully requested.

**III. Allowable Subject Matter**

Applicant thanks the Examiner for indicating that claims 7 and 15 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, and if rewritten in independent form. Further, Applicant thanks the Examiner for indicating that claims 8-10 would be allowable if rewritten in independent form. However, Applicant respectfully requests that the

Examiner hold in abeyance such rewriting until the Examiner has had an opportunity to reconsider (and withdraw) the prior art rejection of the other claims.

Applicant also thanks the Examiner for indicating that claim 6 would be allowable if rewritten to overcome the objections for minor informalities set forth in the Office action. Applicant has amended claim 6, as set forth above, to correct the informalities noted by the Examiner. Therefore, Applicant submits that claim 6 is immediately allowable.

Finally, Applicant thanks the Examiner for indicating that claims 17-31 are allowed.

#### **IV. Objections to the Specification**

The Examiner has objected to the specification indicating that the lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors and requesting Applicant's cooperation in correcting any errors of which applicant may become aware in the specification.

Applicant readily agrees to cooperate with the Examiner by correcting any errors of which Applicant may become aware in the specification.

Further, since the Examiner has not identified any specific portions of the specification that are alleged to be objectionable at this time, nor has the Examiner identified any specific basis for any such objections to the specification, Applicant submits that no objections to the specification are currently warranted. As such, Applicant respectfully requests that the outstanding objections to the specification be withdrawn.

#### **V. Claim Objections**

The Examiner has objected to claims 6, 7, 25 and 26 alleging minor informalities. Specifically, the Examiner alleges that in the indicated claims, there is a confusing use of

parenthesis and that it is unclear whether the claim language, contained in the parenthesis, is part of the claimed invention or not.

Applicant has amended claims 6, 7, 25 and 26, as set forth in above, to correct the informalities noted by the Examiner. Thus, Applicant respectfully requests that the Examiner withdraw these objections.

#### **VI. Claim Rejections - 35 U.S.C. § 112**

The Examiner has rejected claims 7, 15 and 16 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

##### **A. Claim 7**

The Examiner alleges that claim 7 recites a “solvent insoluble rate of the liquid powder,” and provides a formula to define this solvent rate. The Examiner also alleges that claim 7 recites that the liquid powder is immersed in a solvent and therein the rate relates. However, the Examiner alleges that there is no solvent in the claimed invention and, as such, alleges that it is unclear and confusing as to how the recited solvent insoluble rate relates to the claimed invention. Secondly, the Examiner alleges that there is no antecedent basis for the recitation “the solvent.” Third, the Examiner alleges that the metes and bounds of the relative term “good” in claim 7 are unclear.

Applicant has amended claim 7, as set forth above, to more clearly recite that the claimed invention comprises a solvent in which the liquid powder is immersed.

Applicant has also amended claim 7, as set forth above, to correct the antecedent basis issues noted by the Examiner.

Further, Applicant has amended claim 7, as set forth above, so as to delete the term “good” in claim 7.

Accordingly, Applicant respectfully submits that claim 7 satisfies the requirements of 35 U.S.C. § 112, second paragraph, and requests that the Examiner reconsider and withdraw these rejections.

**B. Claim 15**

The Examiner has rejected claim 15 alleging that there is insufficient antecedent basis for the recitation “the partition wall,” as claimed. Applicant has amended claim 15, as set forth above, so that claim 15 depends from claim 14. As such, Applicant submits that the Examiner’s rejection in this regard is now moot.

**C. Claim 16**

The Examiner has rejected claim 16, alleging that there is insufficient antecedent basis for the recitation “the image,” as claimed. Applicant has amended claim 15, as set forth above to correct the antecedent basis issues noted by the Examiner. Therefore, Applicant respectfully requests that the Examiner withdraw this rejection.

**VII. Claim Rejections - 35 U.S.C. § 102**

**A. Matsunaga**

**1. Independent Claim 1**

The Examiner has rejected claims 1-3, 5, 12, 14 and 16 under 35 U.S.C. § 102(a) and 102(e) as allegedly being anticipated by U.S. Patent Publication No. 2002/0051280 to Matsunaga *et al* (hereinafter “Matsunaga”). Applicant respectfully traverses these rejections for *at least* the reasons set forth below.

Claim 1 has been amended to recite (among other things) the following feature from original claim 2:

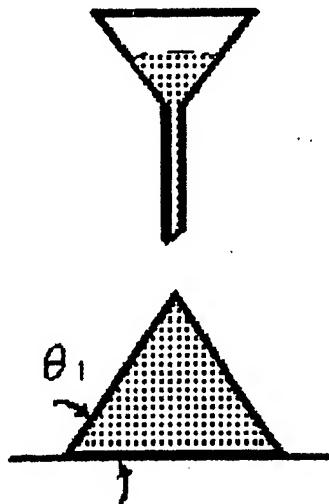
...wherein the liquid powder does not have a repose angle as an index indicating its fluidity.

The Examiner alleges that FIG. 1 of Matsunaga discloses the above feature originally cited in original claim 2. 03/21/07 Office Action, page 4. Applicant respectfully disagrees.

In contrast to the requirements of claim 1, Matsunaga merely discloses that one layer of particles 22 is disposed on the electrode 14A. However, FIG. 1 of Matsunaga provides no disclosure whatsoever regarding the repose angle of the particles 22. In fact, no aspect of Matsunaga mentions the repose angle of the particles 22 and Matsunaga provides no suggestion whatsoever that the repose angle of the particles 22 is ever measured or, much less, that the repose angle is even known.

As explained in the present specification, for instance, the repose angle is a measurement that is widely used as an index representing a fluidity of a medium. Paragraph 0064. The repose angle of a medium can be measured, for instance, by a discharging method wherein the medium to be measured is filled in a vessel and then discharged by gravitation, e.g., by opening an outlet arranged at a bottom portion, and an inclination angle of a free surface of a remaining layer is measured. That is, as shown in the Figure below, for example, a medium to be measured can be dropped from a funnel-shaped container onto a plate. If the dropped medium exhibits a low fluidity, then the dropped medium forms a conical layer on the plate, as shown in the Figure below, and an angle  $\theta_1$  is measured as a repose angle. On the other hand, if the dropped medium exhibits a high fluidity, then the dropped medium does not form a conical layer on the plate, and

the medium will form a layer on the plate exhibiting a low repose angle or no repose angle at all. Thus, the repose angle is an index of the fluidity of a medium.



Claim 1 explicitly requires that the recited liquid powder does not have a repose angle as an index indicating its fluidity. Matsunaga fails to provide any disclosure or suggestion whatsoever regarding the repose angle of the layer of particles 22 disposed on the electrode 14A. Indeed, the mere fact that FIG. 1 shows the particles 22 arranged in a single layer, without more, does not provide any disclosure regarding the repose angle of the particles 22. Moreover, FIG. 1 does not provide any suggestion that the particles 22 do not have a repose angle as an index indicating the fluidity of the particles 22, as required by claim 1.

Accordingly, claim 1 is not anticipated by Matsunaga for *at least* these reasons. Moreover, Applicant submits that the dependent claims 2-3, 5, 12, and 14 are not anticipated by Matsunaga *at least* by virtue of their dependency on claim 1. Thus, Applicant respectfully requests that the Examiner withdraw these rejections.

## 2. Independent Claim 16

Independent claim 16 has been amended to recite (among other things):

...wherein the liquid powder does not have a repose angle as an index indicating its fluidity.

In view of the similarity between these requirements and the requirements discussed above with respect to independent claim 1, Applicant respectfully submits that arguments analogous to the foregoing arguments as to the patentability of independent claim 1 demonstrate the patentability of claim 16. As such, it is respectfully submitted that claim 16 is patentably distinguishable over the cited Matsunaga reference *at least* for reasons analogous to those presented above. Thus, the allowance of this claim is respectfully solicited of the Examiner.

**B. Sakamaki**

The Examiner has rejected claims 1-3, 5, 11, 13, 14 and 16 under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent 6,842,278 to Sakamaki *et al.* (hereinafter “Sakamaki”). Applicant respectfully traverses these rejections for *at least* the reasons set forth below.

**1. Independent Claim 1**

Claim 1 has been amended to recite (among other things):

...wherein the liquid powder does not have a repose angle as an index indicating its fluidity.

The Examiner alleges that FIGS. 3D, 25 and 29 of Sakamaki disclose the above feature. 03/21/07 Office Action, page 5. Applicant respectfully disagrees.

As explained in detail above, the repose angle is an index of the fluidity of a medium and can be measured by a discharging method, for example. Claim 1 recites the feature of a liquid powder that does not have a repose angle as an index indicating its fluidity. However, Sakamaki fails to disclose or suggest that the fluidity of the particles therein is such that these particles do not have a repose angle. In fact, Sakamaki provides no disclosure whatsoever regarding the

measurement of the repose angle of the particles therein. And, without more, the arrangement of the particles in FIGS. 3D, 25 and 29 does not provide any disclosure regarding the repose angle of these particles, much less that such particles do not have a repose angle as an index indicating fluidity.

Therefore, the cited Sakamaki reference fails to disclose all of the features of the claimed invention for *at least* these reasons. Further, Applicant submits that the dependent claims 2-3, 5, 11, 13 and 14 are not anticipated by Sakamaki *at least* by virtue of their dependency on claim 1. Thus, Applicant respectfully requests that the Examiner withdraw these rejections.

## **2. Independent Claim 16**

In view of the similarity between the requirements of claim 16 and the requirements discussed above with respect to independent claim 1, Applicant respectfully submits that arguments analogous to the foregoing arguments as to the patentability of independent claim 1 demonstrate the patentability of claim 16. As such, it is respectfully submitted that claim 16 is patentably distinguishable over the cited Sakamaki reference *at least* for reasons analogous to those presented above. Thus, the allowance of this claim is respectfully solicited of the Examiner.

## **VIII. Claim Rejections - 35 U.S.C. § 103**

The Examiner has rejected claim 13 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,587,254 Matsunaga *et al.* (hereinafter “Matsunaga”). Applicant respectfully traverses this rejection for *at least* the reasons set forth below.

Claim 13 incorporates all the novel and non-obvious recitations of its base claim 1. For *at least* the reasons already discussed above, Matsunaga fails to disclose or suggest all the

features of claim 1. Therefore, Applicant submits that claim 13 is patentable over Matsunaga *at least* by virtue of its dependency on claim 1 and respectfully requests that the Examiner withdraw this rejection.

## **IX. Double Patenting Rejections**

The Examiner has provisionally rejected claims 1, 3 and 12-14 on the grounds of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1, 2, 7, 11 and 14-16 of co-pending Application No. 10/520,465 (US 2005/0285500 Al).

The Examiner has also provisionally rejected claims 1, 3-5 and 16 on the grounds of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 25, 29, 32, 35, 37, 39 and 40-42 of co-pending Application No. 10/518,750 (US 2006/0087479 Al).

Further, the Examiner has provisionally rejected claims 1 and 16 on the grounds of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 19 and 28 of co-pending Application No. 10/539,381 (US 2006/0231401 Al).

Finally, the Examiner has provisionally rejected claims 1 and 3 on the grounds of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1 and 5 of co-pending Application No. 10/518,750 (US 2006/0087479 Al).

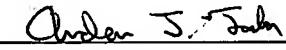
Since all of the above rejections are provisional rejections, based only upon pending patent applications, Applicant elects to defer addressing the merits of the provisional rejection until one of the cited pending Applications issues. Such deferral of addressing the merits of the rejection is clearly contemplated by MPEP § 804(I)(B), which states that a “provisional” double patenting rejection is designed simply to make Applicant aware of a potential problem.

**X. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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